

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.03.2019

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.25829 of 2018

A.Vasantha

... Petitioner

Vs.

1.The Joint Registrar of Co-operaive Societies,
Managing Director
Salem District Consumer Cooperative Wholesale Stores Ltd.
Seetharaman Salai
Arisipalayam, Salem - 9.

2.Ponni Super Market
Old Bus Stand
Salem - 1.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka.No.901/2017 A1 and to quash the order dated 18.11.2017 and consequently, direct the respondents reinstate the petitioner back in service with all benefits forthwith.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mr.L.P.Shanmugasundaram [For R1]
Special Government Pleader
(Co-operatives)

O R D E R

The order impugned dated 18.11.2017 is passed by the First Respondent - Managing Director of the Salem District Consumer Co-operative Wholesale Stores Limited, which is a co-operative society and not a State within the meaning of Article 12 of the Constitution of India. Thus, no writ will lie against the order passed by a Co-operative society.

2.This Court is of the view that no writ can be entertained against the Co-operative Society in respect of the employees of the Co-operative Society. The employees of the Co-operative Society have to exhaust the remedies available under the provisions of the Tamil Nadu Co-operative Societies Act. The legal principles in this regard has been settled by the larger Bench of this Court in the case of K.Marappan Vs. Deputy

Registrar of Coperative societies, Namakkal Circle, Namakkal 636 001 and another reported in 2006 4 CTC 689. The writ petitioner has to avail the remedy provided under the Tamil Nadu Co-operative Societies Act, more specifically, Section 153 of the Tamil Nadu Co-operative Societies Act. Thus, the writ petitioner is granted liberty to approach the competent authority under the provisions of the Act.

3.Thus, no further adjudication is required on merits in this writ petition. Accordingly, the writ petition is dismissed as non-maintainable. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

may

To

The Joint Registrar of Co-operative Societies,
Managing Director
Salem District Consumer Cooperative Wholesale Stores Ltd.
Seetharaman Salai
Arisipalayam, Salem - 9.

+lcc to Mr.T.M.Hariharan, Advocate, S.R.No.27207

+lcc to the Government Pleader, S.R.No.28570

W.P. No.25829 of 2018

CA(CO)

RRS (07/05/2019)

सत्यमेव जयते

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